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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,219	07/07/2003	John R. Klug	11060.01	8667
20686	7590	07/02/2007		
DORSEY & WHITNEY, LLP INTELLECTUAL PROPERTY DEPARTMENT 370 SEVENTEENTH STREET SUITE 4700 DENVER, CO 80202-5647			EXAMINER NGUYEN, PHUOC H	
			ART UNIT 2143	PAPER NUMBER
			MAIL DATE 07/02/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/615,219

**Applicant(s)**

KLUG ET AL.

**Examiner**

Phuoc H. Nguyen

**Art Unit**

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 and 28-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25, and 28-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Request for Continued Examination***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.
2. Amendment received on March 23, 2007 has been entered into record.
3. Claims 1-25 and 28-40 remain pending.

### ***Response to Amendment***

3. This office action is in response to the applicants Amendment filed on March 23, 2007. Claim 1 have been amended. Claims 1-25, and 28-40 are presented for further consideration and examination.
4. Applicant's arguments with respect to claims 1, 9, and 21 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-25, 28-30, 35, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Servan-Schreiber et al. (Hereafter, Servan-Schreiber) U.S. Patent 6,892,354 in view of Angles et al. (Hereafter, Angles) U.S. Patent 6,385,592.

Re claim 1, Servan-Schreiber discloses a system for providing node targeted content in an addressable network (Abstract), comprising: an access request receipt module (Abstract); a module configured to provide information in response to the access request, and a module configured to present at least one message (e.g. advertisement(s)) displayed prior to completing display of the information (col. 1 lines 50-67; and col. 2 lines 60-65); however, Servan-Schreiber fails to teach a message selection module providing at least one message choice option and a user profile containing user demographic information, program participation parameters including rules for disseminating the user demographic information, and a participation credit, wherein the user demographic information includes an e-mail address associated with the user.

Angles teaches a message selection module providing at least one message choice option; and a user profile containing user demographic information, program participation parameters including rules for disseminating the user demographic information, and a participation credit, wherein the user demographic information includes an e-mail address associated with the user (e.g. col. 14, lines 29-39; col. 15, lines 37-43; col. 17 lines 15-23; and col. 20 lines 30 through col. 21 lines 41).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to incorporate Angles's teaching into Servan-Schreiber's method to provide a message selection module providing at least one message choice option and a user profile containing user demographic information, program participation parameters including rules for disseminating the user demographic information, and a participation credit in order to reduce the consumer's access charges each time a consumer views a customized advertisement (e.g. col. 21 lines 31-36).

3. Re claims 2 and 23, Servan-Schreiber further discloses a module configured to provide information in response to the access request, and a module configured to present at least one message; however, Servan-Schreiber fails to teach a base message set from which the at least one message is chosen, wherein the choice of the message is additionally based on the user information.

Angles teaches a base message set from which the at least one message is chosen, wherein the choice of the message is additionally based on the user information (e.g. col. 20 lines 30-38).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to incorporate Angles's teaching into Servan-Schreiber's method to select an appropriate message from the set based on the user information by using the user information to select an appropriate advertisement which provide an efficient way to target advertising to those individuals most likely to purchase good or services being offered (e.g. col. 2 lines 36-39).

Re claim 3, Servan-Schreiber further discloses a first transmission module operative to transmit the information, and a second transmission module operative to transmit the at least one message (col. 2 lines 60-65).

Re claim 4, Servan-Schreiber further discloses the second transmission module is further operative to transmit at least one message chosen from the base message set after receipt of the access request and prior to the transmission module transmitting the information (col. 3 last paragraph).

Re claim 5, Servan-Schreiber further discloses the second transmission module transmits the at least one message during transmission of the information by the first transmission module (col. 3 2<sup>nd</sup> paragraph).

Re claim 6, Servan-Schreiber further discloses the first and second transmission modules are the same (col. 3 last paragraph).

Re claim 7, Servan-Schreiber further discloses the message is an advertisement (col. 1 lines 58-63).

Re claim 8, Servan-Schreiber further discloses a module configured to provide information in response to the access request, and a module configured to present at least one message; however, Servan-Schreiber fails to the user demographic information is specified by a user, the access request receipt module is located at a first site of the addressable network, the user profile is stored in a database configured for use in registering the user with one or more third party web sites; and the database is located at a second site of the addressable network.

Angles teaches the user demographic information is specified by a user, the access request receipt module is located at a first site of the addressable network, the user profile is

stored in a database configured for use in registering the user with one or more third party web sites, and the database is located at a second site of the addressable network (Figures 4 and 11).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to incorporate Angles's teaching into Servan-Schreiber's method to have a database which perform storing user listing and user reference information in order to provide the user with information and allow user to interact with the provided information during the wait time period.

Re claim 9, Servan-Schreiber discloses a system for providing node targeted content in an addressable network (Abstract), comprising: a web browser configured to receive and communicate a request to connect with a network node identified by an uniform resource locator and in response thereto to receive and present information provided by the network node (Figures 1 and 2); and a first module configured to determine a time period (e.g. idle time) available for presenting one or more messages (e.g. advertisement(s)), a second module configured to present at least one message during the time period (col. 2 lines 66 through col. 3 2<sup>nd</sup> paragraphs); however, Servan-Schreiber fails to teach a message selection module providing, in response to a connection request, at least one option for choosing a message content category; wherein upon selecting at least one message content category, at least one message associated with a chosen message content category is presented to the user during the time period, and a third module configured to present an option to a user to participate in an on-line program facilitating the providing of node targeted content.

Angles teaches a message selection module providing, in response to a connection request, at least option for choosing a message content category; wherein upon selecting at least

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one message content category, at least one message associated with a chosen message content category is presented to the user, third module configured to present an option to a user to participate in an on-line program facilitating the providing of node targeted content (Figures 4 and 11; col. 20 lines 11-38; and lines 57 through col. 21 lines 41).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to incorporate Angles's teaching into Servan-Schreiber's method to provide a message selection module providing at least option choosing a message content category in order to provide the user with information and allow user to interact with the provided information during the wait time period.

Re claim 10, Servan-Schreiber further discloses the time period further comprises an approximate quantity of time needed for the web browser to establish the connection with the network node and to retrieve and present a viewable portion of the information, wherein the approximate quantity of time needed is determined based upon the quantity of information to be retrieved (Figure col. 2 last paragraph through col. 3 1<sup>st</sup> paragraph).

Re claims 11-13, Servan-Schreiber further discloses the time period is predetermined, indefinite, less than an amount of time necessary for the web browser to request, retrieve and present a first frame of information formatted using hyper text markup language (col. 3 2<sup>nd</sup> paragraph; and col. 4 lines 24-41).

Re claims 14-15, Servan-Schreiber further discloses the message is terminated upon expiration of the time period, and the message is terminated prior to expiration of the time period and in conjunction with the presentation of at least a portion of the retrieved information (col. 3 2<sup>nd</sup> paragraph; and col. 4 lines 24-41).



Re claim 16, Servan-Schreiber further discloses at least one message is selected based upon the time period available (col. 3 2<sup>nd</sup> paragraph; and col. 4 lines 24-41).

Re claim 17, Servan-Schreiber further discloses the at least one message is selected based upon user demographic information used by registrar web site to register the user with another web site (col. 4 lines 42-60).

Re claim 18, Servan-Schreiber further discloses user profile is stored at a node remote to the web browser (col. 4 lines 51-60).

Re claim 19, Servan-Schreiber further discloses the user profile is derived from Internet usage (col. 4 lines 51-60).

Re claim 20, Servan-Schreiber further discloses the message presented is selected based upon the amount of the information provided by the network node (col. 4 lines 42-60).

Re claim 21, Servan-Schreiber discloses a method for providing one or more messages to an Internet user, during an Internet session, (Figures 1 and 2) comprising: receiving a request from an Internet user, during a current Internet session, to establish a connection with a first Internet site, the request including an address identifying content available from an Internet site (Figures 1 and 2); estimating a first time period (e.g. idle time) necessary to retrieve the content from the Internet site identifying, in response to the request (col. 2 lines 66 through col. 3 2<sup>nd</sup> paragraphs); however, Servan-Schreiber fails to teach at least one message choice option to present to the Internet user, processing an identification by a user of at least one message choice option; and responsive to the identification, presenting at least one message associated with the at least one message choice option during at least a portion of the first time period; wherein the user is identified based upon demographic information provided by registrar web site.

Angles teaches at least one message choice option to present to the Internet user, processing an identification by a user of at least one message choice option; and responsive to the identification, presenting at least one message associated with the at least one message choice option during at least a portion of the first time period; wherein the user is identified based upon demographic information provided by registrar web site (Figures 4-11; e.g. col. 14, lines 29-39; col. 15, lines 37-43; col. 17 lines 15-23; and col. 20 lines 30 through col. 21 lines 41).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to incorporate Angles's teaching into Servan-Schreiber's method to provide at lease one message choice option and based upon demographic information provided by registrar web site in order to reduce the consumer's access charges each time a consumer views a customized advertisement (e.g. col. 21 lines 31-36).

Re claim 22, Servan-Schreiber further discloses the message is presented for a second time period, the second time period being longer than the first time period (col. 4 lines 33-38).

Re claim 24, Servan-Schreiber further discloses the content is retrieved using at least one of the file transfer protocol and the hypertext transfer protocol (col. 2 lines 60-65).

Re claim 25, Servan-Schreiber further discloses the message is obtained from a local data store (e.g. user cache) established during a previous Internet session (col. 3 lines 59-65); however, Servan-Schreiber fails to configured to store at least a portion of the demographic information provided by registrar web site.

Angles teaches configured to store at least a portion of the demographic information provided by registrar web site (Figures 4 and 11).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to incorporate Angles's teaching into Servan-Schreiber's method for configured to store at least a portion of the demographic information provided by registrar web site in order to provide the user with information and allow user to interact with the provided information.

Re claims 28-29, Servan-Schreiber further discloses the message is presented during a loading time of the content and is terminated based upon a loading state, and the loading state is user specified (col. 3 2<sup>nd</sup> paragraph; and col. 4 lines 24-41).

Re claim 30, Servan-Schreiber further discloses the message is terminated based upon a monitoring of communications between a server hosting the first module and a web browser receiving the information (Abstract; col. 3 lines 30-42).

Re claim 32, Servan-Schreiber further discloses the time period is determined based upon an operating speed of the network node providing the information (col. 3 lines 10-21).

Re claim 33, Servan-Schreiber further discloses the time period is determined based upon an amount of information to be presented (col. 3 lines 30-42).

Re claim 35, Servan-Schreiber further discloses time period is determined based upon a configuration of a data communications path from the network node providing the information to the web browser (Figure 2; col. 2 lines 67 through col. 3 lines 5).

Re claim 40, Servan-Schreiber fails to disclose participation by the user in the online program results in an awarding of one or more credit redeemable in a frequent use program.

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Angles teaches the online program results in an awarding of one or more credit redeemable in a frequent use program (e.g. col. 14, lines 29-39; col. 15, lines 37-43; col. 17 lines 15-23; and col. 20 lines 30 through col. 21 lines 41).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to incorporate Angles's teaching into Servan-Schreiber's method to provide awarding of one or more credit redeemable in a frequent use program in order to to reduce the consumer's access charges each time a consumer views a customized advertisement (e.g. col. 21 lines 31-36).

4. Claims 31, 34, 36-38, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Servan-Schreiber et al. (Hereafter, Servan-Schreiber) U.S. Patent 6,892,354 in view of Angles et al. (Hereafter, Angles) U.S. Patent 6,385,592, and further in view of Rakavy et al. (Hereafter, Rakavy) U.S. Patent 6,317,789.

Re claim 31, Servan-Schreiber and Angles disclose a method for providing one or more messages to an Internet user, during an Internet session; however, Servan-Schreiber and Angles fail to teach at least one of the message choice options includes an option of not receiving any messages.

Rakavy teaches at least one of the message choice options includes an option of not receiving any messages (col. 9 lines 45-51; col. 10 lines 48-51).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to incorporate Rakavy's teaching into Servan-Schreiber and Angles's method to provide the option choice of not receiving any messages as a result provide a user with

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a flexibility of choosing whether the user want to view advertisement or not during the waiting state.

Re claims 34, and 36-38, Servan-Schreiber and Angles teaches a method for providing one or more messages to an Internet user, during an Internet session; however, Servan-Schreiber fail to teach time period is determined based upon a determination of network congestion, upon a configuration of a data communications path from the network node providing the information to the web browser, bandwidth of the data communications path, communications protocol utilized in the addressable network, and an operating speed of a processor used to execute the module configured to present the at least one message.

Rakavy teaches a method for determining the time period based upon a determination of communications line utilization rate and transmitting data during times of low communications line utilization (col. 7 lines 41 through col. 8 lines 4).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to incorporate Rakavy's teaching into Servan-Schreiber and Angles's method to determine the time period based upon a determination of communications line utilization rate and transmitting data during times of low communications line utilization in which provide an efficient way to send the target advertisement to user during the waiting state.

Re claim 39, Servan-Schreiber and Angles discloses providing one or more messages to an Internet user, during an Internet session; however, Servan-Schreiber and Angles fail to teach a

module configured to present at least one of the messages as a screen saver during a period of inactivity for a computer hosting a web browser utilized to present the information.

Rakavy teaches a module configured to present at least one of the messages as a screen saver during a period of inactivity for a computer hosting a web browser utilized to present the information (col. 3 lines 35-41).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to incorporate Rakavy's teaching into Servan-Schreiber and Angles's method to present at least one of the messages as a screen saver during a period of inactivity for a computer in order to attract the user while waiting for response.

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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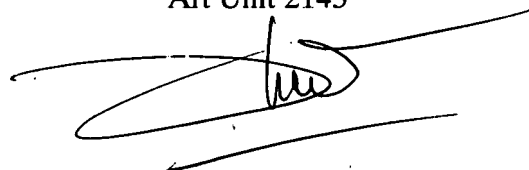
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuoc H. Nguyen whose telephone number is 571-272-3919.

The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information Re the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuoc H Nguyen  
Examiner  
Art Unit 2143

A handwritten signature in black ink, appearing to be 'Phuoc H. Nguyen', written over a horizontal line.

June 25, 2007